

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RYAN SCOTT ADAMS,

Plaintiff,

v.

BRUCE LANUM, *et al.*,

Defendants.

CASE NO. 3:24-CV-5034-KKE-DWC

ORDER DECLINING TO SERVE
AMENDED COMPLAINT

Plaintiff Ryan S. Adams, proceeding *pro se* and *in forma pauperis*, filed this civil rights action under 42 U.S.C. § 1983. Having reviewed and screened Plaintiff's Amended Complaint under 28 U.S.C. §1915A, the Court declines to serve the Amended Complaint but provides Plaintiff leave to file a second amended complaint by **April 11, 2024**, to cure the deficiencies identified herein.

I. Background

In his Amended Complaint, Plaintiff brings two claims arising out of his detention at Washington Corrections Center ("WCC"). Dkt. 9. In Count I, Plaintiff alleges a violation of the Eighth Amendment to the United States Constitution based on the medical treatment he received

1 for his injured hand from Defendants Bruce Lanum and Adam Clarino. *Id.* at 12–19. In Count II,
2 Plaintiff alleges a violation of the Fourteenth Amendment’s Due Process Clause based on the
3 mishandling of his administrative grievances by Defendant Tony Donnington. *Id.* at 20–24. On
4 both counts, Plaintiff seeks monetary damages and injunctive relief in the form of “policy
5 enforcement.” *Id.* at 25.

6 **II. Legal Standard**

7 Under the Prison Litigation Reform Act of 1995, the Court is required to screen
8 complaints brought by prisoners seeking relief against a governmental entity or officer or
9 employee of a governmental entity. 28 U.S.C. § 1915A(a). The Court must “dismiss the
10 complaint, or any portion of the complaint, if the complaint: (1) is frivolous, malicious, or fails to
11 state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant
12 who is immune from such relief.” *Id.* at (b); 28 U.S.C. § 1915(e)(2); *see Barren v. Harrington*,
13 152 F.3d 1193 (9th Cir. 1998).

14 The Court is required to liberally construe *pro se* documents, *Estelle v. Gamble*, 429 U.S.
15 97, 106 (1976). Even so, *pro se* pleadings must satisfy minimum requirements for stating a claim
16 and must comply with procedural requirements. First, the pleadings must raise the right to relief
17 beyond the speculative level and must provide “more than labels and conclusions, and a
18 formulaic recitation of the elements of a cause of action will not do.” *Bell Atl. Corp. v. Twombly*,
19 550 U.S. 544, 555 (2007) (citing *Papasan v. Allain*, 478 U.S. 265, 286 (1986)). Next, Federal
20 Rule of Civil Procedure 8 requires a complaint to contain “a short and plain statement of the
21 claim showing the pleader is entitled to relief,” and “[e]ach averment of a pleading shall be
22 simple, concise, and direct.” Fed. R. Civ. P. 8(a)(e). Finally, unrelated claims against different
23 defendants must be pursued in separate lawsuits.

1 The controlling principle appears in Fed. R. Civ. P. 18(a): ‘A party asserting a claim
2 ... may join, [] as independent or as alternate claims, as many claims ... as the party
3 has against an opposing party.’ Thus, multiple claims against a single party are fine,
4 but Claim A against Defendant 1 should not be joined with unrelated Claim B
5 against Defendant 2. **Unrelated claims against different defendants belong in
different suits**, not only to prevent the sort of morass [a multiple claim, multiple
defendant] suit produce[s], but also to ensure that prisoners pay the required filing
fees-for the Prison Litigation Reform Act limits to three the number of frivolous
suits or appeals that any prisoner may file without prepayment of the required fees.

6 *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) (citing 28 U.S.C. § 1915(g)) (emphasis
7 added).

8 **III. Discussion**

9 Upon review, the Amended Complaint contains several deficiencies that make ordering
10 service upon Defendants inappropriate at this time.

11 *Excess Pages, Exhibits, and Legal Arguments.* Plaintiff filed a 43-page Amended
12 Complaint (Dkt. 9) with an additional 143 pages of exhibits (Dkts. 9-1, 9-2, 9-3). Rather than
13 providing a short and plain statement of the factual circumstances giving rise to his claims,
14 Plaintiff relies heavily on references to exhibits and unrelated state-court cases to explain his
15 case. *See* Dkt. 8 at 12 (“Plaintiff should not attach exhibits to the amended complaint and any
16 exhibit **will not** be considered as part of the amended complaint.”) (emphasis added).

17 Plaintiff also devotes a significant portion of his pleadings to listing legal authority and
18 making legal arguments. Dkt. 9 at 27–39. This is not the purpose of an initial pleading—before
19 he may have an opportunity to make legal arguments in support of his claims, Plaintiff must first
20 write **a short, plain statement** telling the Court: (1) the constitutional right he believes was
21 violated; (2) the name of the person who violated the right; (3) exactly what the individual did or
22 failed to do; (4) how the action or inaction of the individual is connected to the violation of
23 Plaintiff’s constitutional rights; and (5) what specific injury Plaintiff suffered because of the
24

1 individual's conduct. *See Rizzo v. Goode*, 423 U.S. 362, 371–72 (1976). Because the Court
2 cannot glean what claims for relief may be hidden in Plaintiff's narration and excessive exhibits
3 and because it is "[P]laintiff's responsibility to make each claim clear and provide only a short
4 statement of facts supporting [each] claim," *Henderson v. Scott*, 2005 WL 1335220, *1 (E.D.
5 Cal. May 4, 2005), the Amended Complaint is deficient and will not be served.

6 *Uncured Deficiencies.* Next, the Amended Complaint includes uncured deficiencies
7 identified in the Court's prior screening. Most significantly, it is difficult to discern what actions
8 individual defendants took which Plaintiff alleges violated his constitutional rights.

9 For Defendants Lanum and Clarino, Plaintiff has not clearly shown how either defendant
10 violated his constitutional rights through deliberate indifference to a serious medical need.
11 Instead, Plaintiff alleges both defendants acted negligently and lists reasons why he disagrees
12 with the medical treatment they provided. *See generally* Dkt. 9 at 12–19. But "[a] showing of
13 medical malpractice or negligence is insufficient to establish a constitutional deprivation under
14 the Eighth Amendment," Dkt. 8 at 7 (citing *Toguchi v. Chung*, 391 F.3d 1051, 1060 (9th Cir.
15 2004)), and "[a] difference of opinion between prisoner-patient and prison medical authorities
16 regarding treatment does not give rise to a § 1983 claim," *Franklin v. State of Or., State Welfare*
17 *Div.*, 662 F.2d 1337, 1344 (9th Cir. 1981). If Plaintiff wishes to pursue a deliberate indifference
18 claim Defendants Lanum and Clarino he "must explain in a short, plain statement exactly what
19 each defendant knew, what they did or failed to do, and how their actions amounted to deliberate
20 indifference to his serious medical need." Dkt. 8 at 9.

21 As for Defendant Donnington, Plaintiff claims he was unfair and did not comply with
22 prison policies when handling administrative grievances. *See generally* Dkt. 9 at 20–24.
23 However, Plaintiff fails to address how this conduct amounts to a constitutional violation. As
24

1 explained previously, “[a]n allegation that a prison official inappropriately denied or failed to
2 adequately respond to a grievance, without more, does not state a claim under § 1983.” Dkt. 8 at
3 11 (quoting *Evans v. Skolnik*, 637 Fed. Appx. 285, 288 (9th Cir. 2015)); *see also Backlund v.*
4 *Barnhart*, 778 F.2d 1386, 1390 (9th Cir. 1985) (failure to comply with internal policy or state
5 law does not give rise to a due process claim). Rather, “if Plaintiff wishes to pursue this claim he
6 should take care to identify the specific, constitutionally protected interest at stake for each of his
7 mishandled grievances as well as the specific ways in which a defendant personally prevented
8 him from receiving the procedural protections he is entitled to under law.” Dkt. 8 at 12.

9 *Unrelated Claims Against Different Defendants.* Finally, to the extent Plaintiff is
10 attempting to raise unrelated claims against different defendants, his Amended Complaint is
11 deficient. Upon review, Plaintiff’s deliberate indifference claim against Defendants Lanum and
12 Clarino appears wholly unrelated to his procedural due process claim against Defendant
13 Donnington. The only discernable commonality between these claims is that Plaintiff was
14 incarcerated at WCC when the alleged constitutional violations occurred. Accordingly, if
15 Plaintiff would like to pursue both claims against different defendants, he must either (1) do so in
16 separate suits or (2) plead sufficient facts showing the claims (a) arise out of the same occurrence
17 or series of occurrences and (b) involve a common question of law or fact. *See George*, 507 F.3d
18 at 607; *see also* Fed. R. Civ. P. 20(a)(2) (joinder of defendants not permitted unless both
19 commonality and same occurrence requirements are satisfied).

20 **IV. Instructions to Plaintiff**

21 Due to the deficiencies described above, the Court will not serve the Amended Complaint
22 (Dkt. 9). If Plaintiff intends to pursue this § 1983 civil rights action, he must file a second amended
23 complaint and within it, he must write **a short, plain statement** telling the Court: (1) the
24

1 constitutional right Plaintiff believes was violated; (2) the name of the person who violated the
2 right; (3) exactly what the individual did or failed to do; (4) how the action or inaction of the
3 individual is connected to the violation of Plaintiff's constitutional rights; and (5) what specific
4 injury Plaintiff suffered because of the individual's conduct. **Each claim for relief must be**
5 **simple, concise, and direct.**

6 Plaintiff shall present the second amended complaint on the form provided by the Court.
7 The second amended complaint must be **legibly rewritten** or retyped in its entirety, it should
8 contain the same case number, and it **may not incorporate** any part of the previous complaints or
9 other lawsuits by reference. The amended pleadings will act as a complete substitute for any
10 previously filed complaint, and not as a supplement. The amended pleadings **shall not exceed**
11 **twenty (20) pages** absent leave of Court and upon a showing of good cause. Plaintiff **should not**
12 **attach exhibits** to the amended pleadings—any exhibit will not be considered as part of the
13 pleadings.

14 The Court will screen the amended pleadings to determine whether it contains factual
15 allegations linking each defendant to the alleged violations of Plaintiff's rights. The Court will not
16 authorize service of the amended complaint on any defendant who is not specifically linked to a
17 violation of Plaintiff's rights. Additionally, Plaintiff should only allege constitutional violations
18 by different defendants if the violation arises from a single occurrence or series of occurrences.
19 For example, Plaintiff may raise allegations of an Eighth Amendment violation arising from the
20 provision of medical treatment by multiple defendants in a single suit. However, if he would like
21 to allege a constitutional violation by a different defendant arising out of a different set of
22 occurrences—such as, the processing of administrative grievances—he must do so in a separate
23 lawsuit.

1 Finally, in any amended pleadings, Plaintiff shall **refrain from making legal arguments**
2 or citing caselaw and, instead, focus on the factual circumstances giving rise to his claims. If
3 Plaintiff fails to file amended pleadings or fails to adequately address the issues raised herein on or
4 before **April 11, 2024**, the undersigned will recommend dismissal of this action.

5 The Clerk is directed to send Plaintiff the appropriate forms for filing a 42 U.S.C. § 1983
6 civil rights complaint and for service. The Clerk is also directed to send copies of this Order, the
7 Court's Prior Screening Order (Dkt. 8), and the *Pro Se* Instruction Sheet to Plaintiff.

8 Dated this 12th day of March, 2024.

9 
10 _____

11 David W. Christel
12 United States Magistrate Judge
13
14
15
16
17
18
19
20
21
22
23
24